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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,570	10/26/2000	Shinya Matsuda	15162/02660	4859

24367 7590 12/21/2001

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EXAMINER	
CUEVAS, PEDRO J	
ART UNIT	PAPER NUMBER

2834

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## ***Office Action Summary***

<b>Application No.</b>	<b>Applicant(s)</b>	
09/697,570	MATSUDA ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
Pedro J. Cuevas	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 September 2001 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on 27 September 2001 is: a)  approved b)  disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### *Drawings*

2. The corrected drawings were received on 10/11/2001. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 & 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,696,421 to Zumeris et al.

Zumeris et al. clearly teaches the construction of an actuator (40) for moving a driven member (42), said actuator comprising:

a displacement element (60) for producing a specific displacement;  
a drive member (64) connected to one end of said displacement element and which transfers the displacement of said displacement element to a driven member;  
a stationary member (62) which supports the other end of the displacement element;

a compression member (45) for pressing said driven member against the drive member such that the drive member and the driven member are in a state of intermittent

contact under conditions near the condition of transition from the intermittent contact state to a normal contact state;

and a drive circuit for driving said displacement element, which is not shown but is inherent (see applied voltage waveforms in Figures 7A & 7B).

5. With regards to claim 4, Zumeris et al. discloses that the actuator repeats its periodic motion at high frequencies such as 20-150 KHz, as stated in lines 33-44 of column 4.

6. With regards to claim 5 & 6, Matsuda et al. discloses an actuator, wherein said displacement element is a laminate type piezoelectric element and said displacement element includes alternating layers of a plurality of piezoelectric thin plates and electrodes as shown in Figure 1.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,696,421 to Zumeris et al. in view of common knowledge in the art.

Zumeris et al. discloses the claimed invention except for the relationship:

$$Nt = Xo * ((1 / (1/k2+1/k3)) - (1 / (1/k1 + 1/k2+1/k3)))$$

where k1 is the spring constant of the compression member, k2 is the combined spring constant of the displacement element and the drive member, k3 is the spring constant of

the driven member,  $X_0$  is the amount of displacement of the displacement element, and  $N_t$  is the compression force applied by the compression member.

It would have been obvious to one skilled in the art at the time the invention was made to use the previously stated mathematical expression, which is nothing more than the standard formula to calculate the force of a spring, including the variables of the specific case at hand, for the purpose of determining the actual performance of the claimed invention.

9. With regards to claim 3, Zumeris et al. discloses that the actuator repeats it's periodic motion at high frequencies such as 20-150 KHz, as stated in lines 33-44 of column 4.

10. Claim 7, & 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,696,421 to Zumeris et al. in view of U.S. Patent No. 6,201,340B to Matsuda et al.

Zumeris et al. discloses an actuator (40) as described above.

However, it fails to disclose an actuator having a second displacement element for producing a second specific displacement having a direction which has a predetermined angle to a direction of the first specific direction of said first displacement element.

Matsuda et al. teaches the construction of a trust type actuator having two piezoelectric devices provided for crossing at right angle for the purpose of driving a chip member along a predetermined elliptic trail.

It would have been obvious to one skilled in the art at the time the invention was made to use the actuator disclosed by Zumeris et al. on the trust type actuator disclosed

by Matsuda et al. for the purpose of driving a chip member along a predetermined elliptic trail.

11. With regards to claim 10, Zumeris et al. discloses that the actuator repeats its periodic motion at high frequencies such as 20-150 KHz, as stated in lines 33-44 of column 4.

12. With regards to claim 11 & 12, Matsuda et al. discloses an actuator, wherein said displacement element is a laminate type piezoelectric element and said displacement element includes alternating layers of a plurality of piezoelectric thin plates and electrodes as shown in Figure 1.

13. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,696,421 to Zumeris et al. in view of U.S. Patent No. 6,201,340B to Matsuda et al. as applied to claim 7 above, further in view of common knowledge in the art.

Zumeris et al. in view of Matsuda et al. discloses the claimed invention except for the relationship:

$$Nt = XO * ((1 / (1/k2+1 /k3)) - (1 / (1/k1 +1 /k2+1 /k3)))$$

where  $k_1$  is the spring constant of the compression member,  $k_2$  is the combined spring constant of the displacement element and the drive member,  $k_3$  is the spring constant of the driven member,  $XO$  is the amount of displacement of the displacement element, and  $Nt$  is the compression force applied by the compression member.

It would have been obvious to one skilled in the art at the time the invention was made to use the previously stated mathematical expression, which is nothing more than the standard formula to calculate the force of a spring, including the variables of the specific

case at hand, for the purpose of determining the actual performance of the claimed invention.

14. With regards to claim 9, Zumeris et al. discloses that the actuator repeats it's periodic motion at high frequencies such as 20-150 KHz, as stated in lines 33-44 of column 4.

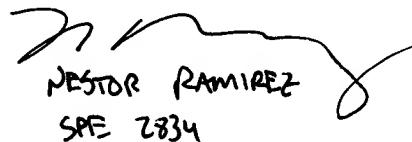
### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Néstor R. Ramírez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



NESTOR RAMIREZ  
SPE 2834

Pedro J. Cuevas  
December 6, 2001